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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,577	07/11/2001	Tsuyoshi Saito	KOKUSAI069	4806

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EXAMINER

DERWICH, KRISTIN M

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/901,577	Applicant(s) SAITO ET AL.	
	Examiner Kristin Derwich	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 have been examined. Appropriate sections of 35 U.S.C. have been quoted in previous Office Actions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 8, 2005 has been entered.

Response to Arguments

3. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is both. Utilizing a router as a communication element was knowledge that was generally available to one of ordinary skill in the art at the time of applicant's invention and Crater et al. is merely an example of this in a similar field of endeavor. The motivation to combine is found in column 1, line 67-column 2, lines 1-4 wherein it would have been obvious to include a routing function in the communication system between the supervisory device and remote operation device because it would allow the efficiently handle the communication volumes without reducing transfer speed.

Applicant's arguments are moot in light of new grounds for rejection, necessitated by amendments to the claims.

Claim Rejections - 35 USC § 103

4. Claims 1-5, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ogushi et al., U.S. Patent Number 6,385,497, in view of Nunn, U.S. Patent Number 6,438,688.

Regarding claims 1, 3, and 4, Ogushi et al. disclose a remote control system for one or more semiconductor manufacturing apparatuses capable of accessing a supervisory device (see column 2, line 59 - column 3, line 3; claim 15) from a remote operation device through a

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communication line (see column 3, lines 10-30), that enables the same operations by the remote device as those carried out by the supervisory device to be performed on the semiconductor manufacturing apparatus(es) (see column 1, lines 35-43; column 4, lines 48-59).

Although Ogushi et al. disclose data exchange between the supervisory device and the remote device (see column 3, lines 46-54; column 4, lines 14-21), they do not explicitly disclose the remote operation device replacing operation parameter files of the supervisory device through remote control. Nevertheless, Nunn discloses a means for a host computer to remotely update and replace a client computer's BIOS utilizing certain command parameters (column 3, lines 19-57) wherein the BIOS contain operation information for the computer. [Note: Using the specification as a guide for interpreting claim language, operation parameter files are described at pg. 15, "possible to replace the programs and the like".] The BIOS is a file stored in ROM and is replaced. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to remotely replace files in order to save time and reduce confusion (Nunn, 4:32-52).

Regarding claim 2, Ogushi et al. discloses the supervisory device performing user authentication on the remote operation device (see column 6, lines 27-32; claims 12 and 13).

Regarding claims 5 and 13, Ogushi et al. disclose a remote control system for one or more semiconductor manufacturing apparatuses comprising a local area network system including a host device and one or more semiconductor manufacturing apparatuses (see column 3, lines 10-14; figure 1); a remote operation device with a communication element accessible to

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the host device on the semiconductor manufacturing side by way of a communication line (see column 3, lines 15-30); on the host device an IP routing function and protocols for remote control operation, and a communication element receiving a call incoming from the communication line (see column 1, lines 44-57; column 3, lines 31-45; column 4, lines 48-59); the host device performing user authentication (see column 6, lines 27-32; claims 12 and 13); the remote device remotely controlling and operating the host device, wherein the remote operating device enables the same operations as those carried out by the host device (see column 1, lines 35-43; column 4, lines 48-59).

Although Ogushi et al. disclose data exchange between the supervisory device and the remote device (see column 3, lines 46-54; column 4, lines 14-21), they do not explicitly disclose the remote operation device replacing operation parameter files of the supervisory device through remote control. Nevertheless, Nunn discloses a means for a host computer to remotely update and replace a client computer's BIOS utilizing certain command parameters (column 3, lines 19-57) wherein the BIOS contain operation information for the computer. [Note: Using the specification as a guide for interpreting claim language, operation parameter files are described at pg. 15, "possible to replace the programs and the like".] The BIOS is a file stored in ROM and is replaced. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to remotely replace files in order to save time and reduce confusion (Nunn, 4:32-52).

Regarding claim 7, Ogushi et al. disclose that the host device and the remote operation device are connected in communication means through a network (see column 1, lines 58-66). Thus it is inherent that each includes a terminal adapter as a communication element.

5. Claims 6, 8-12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al. in view of Nunn, as established above, in further view of Crater et al., U.S. Patent Number 5,805,442.

Regarding claim 6, Ogushi et al. and Nunn fail to disclose a modem as a communication element. Crater et al., in a similar field of endeavor, do disclose a modem as a communication element (column 7, lines 21-28).

Regarding claim 8, Ogushi et al. disclose a remote control system for one or more semiconductor manufacturing apparatuses comprising a local area network system including a plurality of host devices and one or more semiconductor manufacturing apparatuses (see column 3, lines 10-14; figure 1); a remote operation device with a communication element accessible to the host devices on the semiconductor manufacturing side by way of a communication line (see column 3, lines 15-30); on the host device an IP routing function and protocols for remote control operation, and a communication element receiving a call incoming from the communication line (see column 1, lines 44-57; column 3, lines 31-45; column 4, lines 48-59); the host devices performing user authentication (see column 6, lines 27-32; claims 12 and 13); the remote device remotely controlling and operating the host devices, wherein the remote

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operating device enables the same operations as those carried out by the host device (see column 1, lines 35-43; column 4, lines 48-59).

Although Ogushi et al. disclose a plurality of host devices connected with one or more semiconductor manufacturing apparatuses, they do not explicitly disclose a router as a communication element. Likewise, they do not explicitly disclose a router as the communication element of the remote operation device to connect it to the host devices. Nevertheless, Crater et al., in a similar field of endeavor, disclose routing to communicate between the hosts and their clients, and between the hosts and the remote device (see column 1, line 53 - column 2, line 9; column 4, lines 18-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a router to facilitate IP communication in the local area network and to the remote device.

Although Ogushi et al. disclose data exchange between the supervisory device and the remote device (see column 3, lines 46-54; column 4, lines 14-21), they do not explicitly disclose the remote operation device replacing operation parameter files of the supervisory device through remote control. Nevertheless, Nunn discloses a means for a host computer to remotely update and replace a client computer's BIOS utilizing certain command parameters (column 3, lines 19-57) wherein the BIOS contain operation information for the computer. [Note: Using the specification as a guide for interpreting claim language, operation parameter files are described at pg. 15, "possible to replace the programs and the like".] The BIOS is a file stored in ROM and is replaced. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to remotely replace files in order to save time and reduce confusion (Nunn, 4:32-52).

Regarding claim 9, Ogushi et al. disclose the host devices and the remote devices connecting via the internet (see column 1, lines 43 and 51 and 63).

Regarding claim 10, Ogushi et al. disclose communication line between the host devices and the remote device to be the internet (see column 1, lines 43 and 51 and 63), which meets the limitation of a wide area network. However, they fail to explicitly disclose the communication line between the host devices and the-remote device to be a local area network. Nevertheless, Crater et al., in a similar field of endeavor, disclose the communication line to be a local area network or a wide area network (see column 3, lines 27-33; column 6, lines 7-20). Given these teachings it would have been obvious to use the system of Ogushi et al. with a communication line that is either a local area network or a wide area network to perform the remote operations either internal or external to the organization.

Regarding claim 11, Ogushi et al. disclose a remote control system for one or more semiconductor manufacturing apparatuses comprising a local area network system including a plurality of host devices and one or more semiconductor manufacturing apparatuses (see column 3, lines 10-14; column 7, lines 11-34; figure 1); an access server as its communication element connected with the host devices (see claims 20 and 21); a plurality of remote operation devices with a plurality of communication elements accessible to the host devices on the semiconductor manufacturing side by way of a communication network (see column 7, lines 11-34; column 3,

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lines 15-30); on the host devices an IP routing function and protocols for remote control operation (see column 1, lines 44-57; column 3, lines 31-45; column 4, lines 48-59); the host devices performing user authentication (see column 6, lines 27-32; claims 12 and 13); the remote device remotely controlling and operating the host devices (see column 1, lines 35-43; column 4, lines 48-59).

Ogushi et al. do not explicitly disclose the use of a plurality of communication networks to connect between the host devices and the remote devices. However, Crater et al. present a plurality of communication networks by which to connect the devices, and their respective communication elements (see column 6, lines 50-58; column 7, lines 22-28). It would have been obvious to one of ordinary skill in the art to make available a plurality of communication networks to allow access in a plurality of ways.

Although Ogushi et al. disclose data exchange between the supervisory device and the remote device (see column 3, lines 46-54; column 4, lines 14-21), they do not explicitly disclose the remote operation device replacing operation parameter files of the supervisory device through remote control. Nevertheless, Nunn discloses a means for a host computer to remotely update and replace a client computer's BIOS utilizing certain command parameters (column 3, lines 19-57) wherein the BIOS contain operation information for the computer. [Note: Using the specification as a guide for interpreting claim language, operation parameter files are described at pg. 15, "possible to replace the programs and the like".] The BIOS is a file stored in ROM and is replaced. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to remotely replace files in order to save time and reduce confusion (Nunn, 4:32-52).

Regarding claim 12, Ogushi et al. do not explicitly disclose the use of a plurality of communication networks to connect between the host devices and the remote devices. However, Crater et al. present a plurality of communication networks, including a public telephone network, the internet, and a local area network, by which to connect the devices, and their respective communication elements (see column 6, lines 50-58; column 7, lines 22-28). It would have been obvious to one of ordinary skill in the art to make available a plurality of communication networks to allow access in a plurality of ways.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KMD

Kristin Derwich
Examiner
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